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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON

10 SHEILA R. MERCADO,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting  
14 Commissioner of the Social Security  
15 Administration,

16 Defendant.

CASE NO. 2:15-cv-01592 JRC

ORDER GRANTING  
UNOPPOSED MOTION FOR  
ATTORNEY'S FEES PURSUANT  
TO 42 U.S.C. § 406(b)

17 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local  
18 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge  
19 and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).  
20 This matter is before the Court on plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. §  
21 406(b). *See* Dkt. 28. Defendant has no objection to plaintiff's motion. *See* Dkt. 30.

22 The Court may allow a reasonable fee for an attorney who represented a Social Security  
23 Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in  
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1 excess of 25 percent of the total of past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v.*  
2 *Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first  
3 to such agreement and will conduct an independent review to assure the reasonableness of the  
4 fee requested, taking into consideration the character of the representation and results achieved.  
5 *See Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the  
6 fee agreement is the primary means for determining the fee, the Court will adjust the fee  
7 downward if substandard representation was provided, if the attorney caused excessive delay, or  
8 if a windfall would result from the requested fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151  
9 (9th Cir. 2009) (*citing Grisbrecht, supra*, 535 U.S. at 808).

10 Here, the representation was standard, at least, and the results achieved excellent (*see*  
11 Dkt. 29, Attachment 3). *See Grisbrecht, supra*, 535 U.S. at 808. Following remand from this  
12 Court for further consideration (*see* Dkt. 24), plaintiff was awarded benefits. There has not been  
13 excessive delay and no windfall will result from the requested fee.

14 Plaintiff's total back payment was \$43,218.00 (*see* Dkt. 29, Attachment 3, p. 5). Plaintiff  
15 has moved for a net attorney's fee of \$2,461.88 (*see* Motion, Dkt. 28, p. 1), and the Court has  
16 considered plaintiff's voluntarily reduced gross attorney's fee of \$8,500.00 and the EAJA award  
17 received by plaintiff's attorney in the amount of \$6,038.12. *Parish v. Comm'r. Soc. Sec. Admin.*,  
18 698 F.3d 1215, 1221 (9th Cir. 2012).

19 Based on plaintiff's unopposed motion and supporting documents (*see* Dkt. 28, Dkt. 29  
20 Attachments 1, 2, 3, 4), it is hereby ORDERED that attorney's fees in the amount of \$8,500 be  
21 awarded to plaintiff's attorney pursuant to 42 U.S.C. § 406(b), which after the deduction of  
22 \$6,038.12 representing the EAJA fees already received, leaves a net award of \$2,461.88. The  
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1 Social Security Administration is directed to pay Francisco Rodriquez, Esq., \$2,461.88, minus  
2 any processing fees allowed by statute, at P.O. Box 31844, Seattle WA 98103.

3 Dated this 5th day of January, 2018.

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5 J. Richard Creatura  
6 United States Magistrate Judge  
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